

**GUIDELINES REGARDING THE CONDUCT OF PUBLIC ASSEMBLIES PURSUANT
TO SECTION 366A OF THE SAINT PAUL LEGISLATIVE CODE IN CERTAIN
AREAS OF THE CITY OF SAINT PAUL, MINNESOTA BETWEEN SEPTEMBER 1 - 4,
2008**

**THESE GUIDELINES REGARDING THE CONDUCT OF PUBLIC ASSEMBLIES
PURSUANT TO SECTION 366A OF THE SAINT PAUL LEGISLATIVE CODE IN
CERTAIN AREAS OF THE CITY OF SAINT PAUL, MINNESOTA BETWEEN
SEPTEMBER 1 -4, 2008, are promulgated this 29 day of February, 2008.**

RECITALS

WHEREAS, the 2008 Republican National Convention (the "2008 RNC") will be held at the Xcel Energy Center in Saint Paul, Minnesota ("Saint Paul") from September 1, 2008 until September 4, 2008; and

WHEREAS, it is estimated that the 2008 RNC will result in approximately 45,000 visitors to Saint Paul, including approximately 15,000 media persons who will be using the Saint Paul RiverCentre convention facility adjoining the Xcel Energy Center, as well as other areas in close proximity thereto, for media workspace; and

WHEREAS, located within the area including and surrounding the Xcel Energy Center to be depicted by the SPPD on a map that will be attached hereto as Attachment A, no later than May 31, 2008, and hereinafter referred to as the "Primary Event Area," is a significant portion of Saint Paul's commercial, medical (including two of Saint Paul's three major hospitals) and cultural districts, as well as some of the City's most heavily traveled streets and points of freeway ingress and egress for a significantly large number of persons who travel in and out of downtown Saint Paul on a daily basis; and

WHEREAS, since it is anticipated that most of the visitors to the 2008 RNC including but not limited to, delegates, media representatives and other credentialed attendees at the 2008 RNC, will be traveling to and from the Xcel Energy Center and Saint Paul RiverCentre by motorized vehicle, including motor coaches, or by foot, there is a compelling need for the City of Saint Paul, Minnesota, a municipal corporation (the "City"), acting primarily through its police department (the "SPPD"), to undertake extensive and thoughtful planning and coordination with many interested and affected parties, such as emergency responders, area hospitals, downtown residents and businesses and 2008 RNC transportation coordinators, so as to, among other things, ensure the safe and orderly movement of pedestrian and vehicular traffic, including public safety and other emergency vehicles, to, from, through and within the Primary Event Area during the 2008 RNC; and

WHEREAS, there is also a compelling need for the City and the SPPD to undertake extensive and thoughtful planning and coordination so as to ensure the safety and well-being of all persons

who live in, work in or visit the Primary Event Area during the 2008 RNC. As with other events similar to the 2008 RNC and pursuant to federal law, the President of the United States has directed the Secretary of the United States Department of Homeland Security, to designate the 2008 RNC as a "National Special Security Event." As such, special precautions and safety measures will need to be developed and undertaken by the United States Secret Service (hereinafter referred to as the "USSS") with regard to securing the inside of the Xcel Energy Center and the area immediately surrounding it. Since the SPPD is responsible for securing and making safe the area outside of the Xcel Energy Center, the SPPD as part of its security planning for the 2008 RNC, will need to confer and coordinate with the USSS, and other federal, state and local law enforcement agencies; and

WHEREAS, given the size and scope of the 2008 RNC, the City's above-described on-going planning and preparatory activities, are in some instances, likely to continue up to the commencement and through the conclusion of the 2008 RNC; and

WHEREAS, as part of its above-described planning and preparatory activities, the City anticipates that persons and/or groups of persons will seek to exercise their rights of free speech and to peaceably assemble as guaranteed by the First Amendment to the United States Constitution by conducting public assemblies within the Primary Event Area between September 1 - 4, 2008 (the "Convention Period"); and

WHEREAS, the requirements and standards by which City controlled public sidewalks and streets within Saint Paul may be used in certain instances for the purposes of conducting public assemblies are set forth in Chapter 366A of the City of Saint Paul's Legislative Code (hereinafter referred to as the "Code"); and

WHEREAS, the City is committed to ensuring that the rights of all persons who wish to exercise their rights of free speech and to peaceably assemble in Saint Paul during the 2008 RNC as guaranteed by the First Amendment are maintained in conformance with all applicable legal requirements; and

WHEREAS, in light of the factors described in the foregoing recitals and based upon his consideration of all relevant information related thereto that is known to him as of the below date, Assistant Chief Matt Bostrom of the SPPD ("Assistant Chief Bostrom"), acting on behalf of the City, in his authority as the person designated with the responsibility of issuing permits during the 2008 RNC pursuant to Chapter 366A of the Code, issues these guidelines so as to provide guidance and assistance to any and all persons and/or groups of persons who seek to conduct a public assembly in the Primary Event Area during the Convention Period. It is the intent and purpose of the City, that these guidelines shall be applied equally and in a content-neutral manner to all such persons and/or groups; and

WHEREAS, Section 366A of the Code defines a "public assembly," for which a permit is required, as "any meeting, demonstration, picket line, rally or gathering of more than twenty-five (25) persons for a common purpose as a result of prior planning in or upon any street, sidewalk or other public grounds in a place open to the general public."

NOW, THEREFORE, in consideration of the foregoing recitals and pursuant to the authority provided in Chapter 366A of the Code, the SPPD hereby agrees that that the following guidelines shall apply to any and all persons and/or groups of persons who seek to conduct a public assembly in the Primary Event Area during the Convention Period:


1. **Designated Public Assembly Area[s]** - The SPPD, by the earliest opportunity that the above-described planning activities will allow, but no later than May 31, 2008, will designate certain streets and sidewalks in the Primary Event Area upon which public assemblies can be conducted in accordance with Chapter 366A of the Code (referred to herein as the "Designated Public Assembly Area[s]") throughout each day of the Convention Period, from 7:00 A.M. until 11:00 P.M. Central Daylight Time. Upon the designation by the SPPD of the Designated Public Assembly Area[s], such area[s] will be depicted on a map that will be attached as an amendment to these guidelines and referenced as Attachment B. The SPPD is committed to situating the Designated Public Assembly Area[s] in a location that provides sight and sound access to the Xcel Energy Center, as provided for by the First Amendment of the United States Constitution.
2. **General Provisions** - Unless otherwise provided herein, the following requirements, terms and conditions, shall apply to each permit application, approved by the SPPD pursuant to these guidelines:
 - A. Consistent with the SPPD's expressed intent that the Designated Public Assembly Area[s] accommodate any and all persons or groups who wish to exercise their rights of free speech and to peaceably assemble as guaranteed by the First Amendment to the United States Constitution, these guidelines, or any amended version thereof, shall be deemed to serve as a non-exclusive permit issued on behalf of all those members of the public who wish to conduct a public assembly in the Primary Event Area during the Convention Period. Accordingly, no person or group who wishes to conduct a public assembly in the Designated Public Assembly Area[s] during the Convention Period shall be issued, nor required to possess, a permit. The SPPD shall waive the payment of all other costs (e.g. administrative processing fees, costs for security, liability insurance, cleanup) otherwise allowed to be charged by the SPPD pursuant to Chapter 366A of the Code.
 - B. Except for those needed by City emergency and law enforcement providers, no motorized vehicles or bicycles shall be allowed in Designated Public Assembly Area[s]. In addition to being subject to those conditions expressly described in Chapter 366A of the Code, including, but not limited to Section 366A.14.(e), the SPPD reserves the right to establish any other lawful and reasonable conditions of conduct during the public assemblies permitted pursuant to these guidelines, that the SPPD may deem necessary to ensure public safety. Any such conditions of conduct shall be set forth in an amendment to these guidelines.
 - C. The City will endeavor to make appropriate bathroom facilities and a public stage with sound amplification, available in the Designated Public Assembly Area[s]. In

the event that the City makes a public stage and sound amplification system available in the Designated Public Assembly Area[s], the SPPD shall devise a content-neutral and random process for allotting use of such stage and sound system, which process shall be set forth in an amendment to these guidelines.

- D. These guidelines are promulgated by the SPPD in good faith and based upon the best information known to the SPPD as of the above date. As described in the recitals herein, much of the planning activities for National Special Security Events such as the 2008 RNC are a fluid, continuing process that often continues through the event itself. Thus, it is possible that due to circumstances or information not yet known to the SPPD, these guidelines and the activities permitted pursuant thereto, may need to be modified or revised. Accordingly, consistent with the good faith basis by which they were promulgated, the SPPD reserves the right to modify and/or revise these guidelines, and any activities permitted pursuant thereto, if necessary.
- E. Nothing contained in these guidelines shall supersede, waive or be construed as being inconsistent or in conflict with any obligation, right or authority imposed upon, or held by, the City pursuant to federal, state or local law, including, but not limited to Chapter 366A of the Code.

CITY OF ST. PAUL POLICE DEPARTMENT

By:


Matt Bostrom

Its: Assistant Chief of Police



To be determined on or before
May 31, 2008

Attachment A

Primary Event Area

To be determined on or before
May 31, 2008

Attachment B
Designated Public Assembly Area[s]